

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHAL DIVISION**

IMPLICIT, LLC

Plaintiff,

vs.

IMPERVA, INC.,

Defendant.

Case No. 2:19-cv-00040-JRG-RSP  
(Lead Case)

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**DECLARATION OF CHRISTOPHER L. LARSON**

I, Christopher L. Larson, hereby declare:

1. I am an attorney at law licensed to practice in the State of California and admitted to practice before this Court. I am an attorney with the law firm of Fenwick & West LLP (“Fenwick”), and counsel for Defendant Imperva, Inc. (“Imperva”) in this action. I have personal knowledge of the facts stated in this declaration, and if called to testify as a witness, I could and would testify competently to the facts set forth herein.

2. I submit this declaration in support of Defendants’ Joint Opposition to Implicit’s Motion to Amend the Fourth Docket Control Order.

3. Between approximately December 7, 2019, and December 18, 2019, counsel for Imperva and co-Defendants Juniper Networks, Inc. and Fortinet, Inc. exchanged emails with Implicit’s former counsel at Hosie Rice in an effort adjust the deadlines associated with claim construction as a result of Implicit’s request to extend its deadline to file its opening claim construction brief. These new deadlines also took into account scheduling conflicts my colleague and lead attorney, Michael J. Sacksteder, had arising from depositions scheduled to take place February 4-7, 2020 in Japan in another case in which he is also lead counsel.

4. When the parties were negotiating the first Docket Control Order in approximately June and July of 2019, Defendants proposed moving Implicit’s deadline to file its

opening claim construction brief from December 26, 2019 (the default deadline) to December 13, 2019, leaving the default deadline of January 9, 2020, for Defendants to file their responsive claim construction brief in view of the intervening holidays and the additional time required to file a joint brief with approval from three Defendants. Implicit rejected the Defendants' offer to alter the default deadline, December 26, 2019.

5. To date, Imperva has made available for inspection source code, produced public and internal documents for its accused products, served and responded to interrogatories, and served requests for admission. Imperva produced almost all of its documents and served its responses and objections to Implicit's common interrogatories by the beginning of October 2019.

6. Implicit first notified Imperva of its intent to schedule depositions of five of Imperva's employees and Imperva's corporate representative on December 20, 2019, when it served 15 deposition notices on Defendants with dates set for early January. Counsel for Imperva responded on December 23, 2019, explaining that Imperva would work to confirm each witness's availability, but that the witnesses are not available for the depositions on the dates and at the location noticed, and that a few of Imperva's witnesses reside in Israel.

7. Without previously notifying Imperva of any purported deficiency in its document production or interrogatory responses, on January 16, 2020 Implicit demanded a meet and confer on Implicit's forthcoming motion to compel Imperva's production of documents, interrogatory responses, and its witnesses' availability for deposition. On January 18, 2020, Imperva responded to Implicit's demand by agreeing to meet and confer on January 21, 2020, and requested that Implicit provide further details and support for why it contends Imperva's discovery responses to date are deficient, and dates its principal and named inventor would be available for deposition by Defendants. The next day, on January 19, 2020, Implicit notified all

Defendants that it was immediately withdrawing making its principal and named inventor available for deposition until resolution of its Motion.

I declare under penalty of perjury under the laws of the United States of America that the following is true and correct.

Executed this 20th day of January, 2020 in Palm Springs, California.

/s/ Christopher L. Larson

Christopher L. Larson